



General Assembly

January Session, 2003

Amendment

LCO No. 7023

SB0096907023HD0

Offered by:

REP. GREEN, 1st Dist.

To: Subst. Senate Bill No. 969

File No. 634

Cal. No. 561

(As Amended by Senate Amendment Schedule "A")

"AN ACT CONCERNING INVESTIGATIVE SUBPOENAS."

1 Strike subsection (c) of section 3 in its entirety and substitute the
2 following in lieu thereof:

3 "(c) Not later than twenty-four hours after the service of such
4 subpoena or at the time of service of such subpoena, whichever is
5 earlier, a copy of the application and affidavit submitted by the
6 prosecuting official pursuant to subsection (a) of this section shall be
7 given to the person summoned. The judge may, by order, dispense
8 with the requirement of giving a copy of the application and affidavit
9 to such person at such time if the prosecuting official files a detailed
10 affidavit with the judge that demonstrates to the judge that (1) the
11 personal safety of a confidential informant would be jeopardized by
12 the giving of a copy of the application and affidavit at such time, (2)
13 the issuance of the subpoena is part of a continuing investigation that
14 would be adversely affected by the giving of a copy of the application

15 and affidavit at such time, or (3) the giving of such application and
16 affidavit at such time would require disclosure of information or
17 material prohibited from being disclosed by chapter 959a of the
18 general statutes. If the judge dispenses with the requirement of giving
19 a copy of the application and affidavit at such time, such order shall
20 not affect the right of the person summoned to obtain such copy at any
21 subsequent time. No such order shall limit the disclosure of such
22 application and affidavit to the attorney for a person arrested in
23 connection with or subsequent to the issuance of the subpoena unless,
24 upon motion of the prosecuting official within two weeks of such
25 person's arraignment, the court finds that the state's interest in
26 continuing nondisclosure substantially outweighs the defendant's
27 right to disclosure. Such order shall be immediately appealable. Any
28 order dispensing with the requirement of giving a copy of the
29 application and accompanying affidavit to the person summoned not
30 later than twenty-four hours after the issuance of the subpoena or
31 upon service of such subpoena, whichever is earlier, shall be for a
32 specific period of time, not to exceed two weeks beyond the date the
33 subpoena is issued. Within that time period the prosecuting official
34 may seek an extension of such period and shall certify that he or she
35 has given notice of such request to all parties pursuant to rules of
36 court."